

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SHELDON GORDON, *et al.*,

Plaintiffs,

v.

DAVID DADANTE *et al.*,

Defendants.

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Case No. 1:05CV2726

JUDGE KATHLEEN O'MALLEY

ORDER

Before the Court is the United States of America's (the "Government") April 12, 2007 *Motion to Intervene and Partially Stay Discovery* (Doc. 243). On April 13, 2007, Mark Dottore, the Receiver, filed a *Response* to the Government's Motion to Intervene and Partially Stay Discovery (Doc. 249).

On March 15, 2007, the Government filed a criminal complaint against David A. Dadante. Many of the issues of liability in that criminal case and the case *sub judice* share common underpinnings. The Government, therefore, seeks to intervene in this case and stay discovery to prevent interference with its criminal investigation. The Court finds that the Government has a compelling interest in seeing that matters otherwise not discoverable in the criminal case are not presented during the course of civil discovery.

Accordingly, the Government's Motion to Intervene is GRANTED. The Government's Motion to Partially Stay Discovery is also GRANTED as follows:

all depositions, interrogatories, discovery, and other investigative measures that are

unnecessary for the Receiver's location, recovery, preservation, and distribution of the assets of IPOF, L.P., IPOF Fund, and IPOF Fund II, L.P. (the "Fund") and David Dadante are **STAYED** until further notice. The Court will permit the parties to conduct discovery, as necessary, into the narrow issue of the legal status of the Fund (as discussed in the Court's March 29, 2007 Order). Such discovery shall be strictly limited to the question of the Fund's legal status, and only will be permitted until the April 30, 2007 deadline for submitting position papers, after which time, such discovery will be stayed as described above.

In accordance with this Order, therefore, the scope of the deposition of Steven L. Wasserman, noticed on April 12, 2007 by Mr. Cheselka who represents certain individual plaintiffs, shall be strictly limited to the issue of the legal status of the Fund.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: April 19, 2007